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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

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9 EDWARD ELRY MORRISON,
10 Petitioner,
11 vs.
12 JIM BENEDETTI, Acting Warden, et al.,
13 Respondents.

Case No. 3:07-CV-00295-LRH-(VPC)
ORDER

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15 On September 5, 2008, the Court received from Petitioner a Motion for Judgment on Merits
16 of Petition (#33), the basis of which is that Respondents did not timely file an answer. No further
17 briefing on this motion is necessary. Respondents filed their Answer (#32) on September 2, 2008,
18 which is timely, given that the preceding day was a holiday.

19 IT IS THEREFORE ORDERED that Petitioner's Motion for Judgment on Merits of Petition
20 (#33) is **DENIED**.

21 DATED this 9th day of September, 2008.



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24 LARRY R. HICKS
25 UNITED STATES DISTRICT JUDGE
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